

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

July 27, 2009

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Butz, Associate Justice; and Haskett, bailiff.

C057971 PALMER v. STATE FARM GENERAL INSURANCE COMPANY

Cause called. David M. Poore, Esq., argued for appellant. Douglas K. Wood argued for respondent. Cause submitted.

At 9:54 a.m., the court recessed. At 9:57 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

C058170 SINGH et al. v. TOYOTA MOTOR CORPORATION et al.

Cause called. Louis S. Franecke, Esq., argued and Gurinder S. Mann appeared only for appellants. Robert A. Brundage argued and Patrick J. Becherer appeared only for respondents. Cause submitted.

At 10:31 a.m., the court recessed. At 10:32 a.m., the court reconvened with Raye, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

C059210 THE PEOPLE v. WALTER SHANE LANGSTON

Cause called. William A. Malloy, court appointed counsel, argued for appellant. Ivan P. Marrs, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:46 a.m., the court recessed until 9:30 a.m., Monday, August 17, 2009.

C057422 THE PEOPLE v. JAYMIE KAY SKESLIEN (Not For Publication)

The judgment is modified by striking the order requiring defendant to register as a sex offender, and by reducing to \$200 each the restitution fines imposed pursuant to sections 1202.4 and 1202.45. As modified, the judgment is affirmed. The trial court is directed to (1) amend the abstract of judgment to reflect these modifications, and (2) send a certified copy of the amended abstract to the California Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Blease, J.
Blutz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

July 27, 2009, Continued

- C058779 THE PEOPLE v. (Not For Publication)**
TIMOTHY SEAN O'NEILL
The judgment is affirmed.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.
- C059807 THE PEOPLE v. (Not For Publication)**
DOMINIQUE LAWRENCE BARNES
The trial court is directed to correct the abstract of judgment to reflect the correct degree of robbery and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.
In all other respects, the judgment is affirmed.
SCOTLAND, P.J.
We Concur: Hull, J.
Robie, J.
- C059836 THE PEOPLE v. (Not For Publication)**
JEFFREY JOHN KAHN
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C061016 THE PEOPLE v. (Not For Publication)**
MARKUISE LAMAR DAVIS
The judgment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.
- C057863 LABABEDY v. GISLA, JR. (Not For Publication)**
The judgment of dismissal is reversed and the matter is remanded with directions to the trial court to vacate its order sustaining the demurrer without leave to amend and to enter a new order sustaining the demurrer with leave to amend, consistent with this opinion. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) .)
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

July 27, 2009, Continued

**C060581 In re J.M.; SISKIYOU COUNTY HUMAN (Not For Publication)
SERVICES DEPARTMENT v. K.A.**

The judgment (order after hearing) is affirmed.

NICHOLSON, J.

We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.

July 28, 2009

**C059314 THE PEOPLE v. (Certified For Publication)
ORIONE C. BROWN**

The judgment is affirmed.

NICHOLSON, J.

We Concur: Blease, Acting P.J.
 Sims, J.

**C059445 In re the Marriage of MAYA and GEOFFREY BOTT
BOTT v. BOTT**

BY THE COURT:

Appellant's petition for rehearing is denied.

BLEASE, J.

Butz, J.

For the reasons stated in my dissenting opinion, I would grant the petition for rehearing.

Scotland, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

July 29, 2009

1007779-09

THE HONORABLE FRED K. MORRISON, Retired Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the Court of Appeal, Third Appellate District, as a justice thereof, on the following date(s):

September 1, 2009 To September 30, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

Dated: July 29, 2009

RONALD M. GEORGE
Chief Justice of California
and Chairperson of the Judicial
Council

C057551

**THE PEOPLE v.
ROBERT EDWARD LINK**

(Not For Publication)

The matter is remanded to the trial court for resentencing on the felony battery conviction. In all other respects, the judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Butz, J.

C058566

THE PEOPLE v. DARA KHUN

(Not For Publication)

Defendant's conviction in count 4 of active participation in a criminal street gang in violation of Penal Code section 186.22, subdivision (a), is reversed. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in conformity with this opinion and to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.

Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

July 29, 2009, Continued

- C059197 THE PEOPLE v. (Not For Publication)**
MARK EDWARD BENNETT
The matter is remanded to the trial court for the limited purpose of allowing the trial court to either impose or strike the overlooked prior prison term. In all other respects, the judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Sims, J.
- C059537 THE PEOPLE v. (Not For Publication)**
MATTHEW ALLEN KALAC
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Hull, J.
- C059603 THE PEOPLE v. (Not For Publication)**
PAUL JEFFREY WALL
The judgment is modified to strike the Vehicle Code section 23536 fine and its corresponding penalty assessments. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a copy of the amended abstract to the Department of Corrections and Rehabilitation.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Cantil-Sakauye, J.
- C055458 DRELINGER v. DRELINGER (Not For Publication)**
The matter is remanded with directions to rule on Mother's motion for section 2030 pendente lite attorney fees. In all other respects the order is affirmed. The parties shall bear their own costs on appeal.
RAYE, Acting P.J.
We Concur: Hull, J.
Butz, J.
- C060080 THE PEOPLE v. (Not For Publication)**
KWAKU LYLE ABANGAN
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

July 29, 2009, Continued

**C058893 UNIVERSITY PARTNERS, LLC, et al. v. (Not For Publication)
BRONSON, etc., et al.**

The judgment is affirmed. Defendants are entitled to their costs on appeal.

HULL, J.

We Concur: Raye, Acting P.J.
Robie, J.

**C059744 In re C.C.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. R.M.**

The order of the juvenile court denying reunification services is affirmed.

SIMS, Acting P.J.

We Concur: Nicholson, J.
Cantil-Sakauye, J.

**C058793 THE PEOPLE v. LINDA JOYCE WISE
BY THE COURT:**

Appellant's petition for rehearing is denied.

NICHOLSON, Acting P.J.

July 30, 2009

C057600 THE PEOPLE v. ERNIE ROXAS (Not For Publication)

The judgment is affirmed. The clerk of the trial court is directed to amend the abstract of judgment by striking the \$1,000 administrative surcharge on the restitution fine, and by noting the 12-year sentence on the continuous sexual abuse count (Pen. Code, § 288.5, subd. (a)) is the middle term. The clerk shall forward the amended abstract of judgment to the Department of Corrections and Rehabilitation.

NICHOLSON, J.

We Concur: Blease, Acting P.J.
Hull, J.

**C058939 In re ROBERT D.; THE PEOPLE v. (Not For Publication)
ROBERT D.**

The dispositional order is reversed. The matter is remanded with directions to the juvenile court to set a new dispositional hearing in accordance with the views expressed herein.

CANTIL-SAKAUYE, J.

We Concur: Raye, Acting P.J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

July 30, 2009, Continued

C059913 In re B.O. et al.; BUTTE COUNTY (Not For Publication)
DEPARTMENT OF EMPLOYMENT
AND SOCIAL SERVICES v. K.O.;
B.O. et al.

The juvenile court's orders are affirmed.

ROBIE, J.

We Concur: Scotland, P.J.

Hull, J.

C060724 In re A.C. et al.; SUTTER COUNTY (Not For Publication)
DEPARTMENT OF HUMAN SERVICES v.
K.B. et al.

The orders of the juvenile court terminating parental rights are affirmed.

NICHOLSON, Acting P.J.

We Concur: Raye, J.

Butz, J.

C060329 In re O.W.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. M.L. et al.

The judgment is affirmed.

HULL, J.

We Concur: Blease, Acting P.J.

Butz, J.

C053775 KEITH BRACEWELL v. MARSHA NAKAWATASE, etc., et al.; DEPARTMENT
OF HEALTH SERVICES
BY THE COURT:

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.

July 31, 2009

C056283 THE PEOPLE v. (Not For Publication)
ROBERT LEE CARROLL-JAFARI

The judgment is affirmed.

RAYE, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

Court Minutes

July 31, 2009, Continued

**C057949 THE PEOPLE v. (Not For Publication)
VALILIANO TUIGMALA, JR.**

The judgment is modified to strike the \$7,200 in restitution to the Sacramento County District Attorney's Office witness relocation program. As modified, the judgment is affirmed.

RAYE, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

**C059212 THE PEOPLE v. (Not For Publication)
ANGEL MARION ORDAZ**

The trial court is directed to correct the abstract of judgment by removing the reference to the main jail booking and classification fees under item 11. A certified copy of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation. Except as modified, the judgment is affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.

Nicholson, J.

**C060978 F.A. v. THE SUPERIOR COURT OF (Not For Publication)
SACRAMENTO COUNTY; SACRAMENTO
COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES et al.**

The petition is denied. Having served its purpose, the previously ordered stay of the juvenile court proceedings in this case is vacated.

SCOTLAND, P.J.

We Concur: Sims, J.

Butz, J.

**C054087 SERVICE EMPLOYEES INTERNATIONAL UNION etc. v. CITY OF
SACRAMENTO et al.; SUTTER HEALTH, INC., et al.**

BY THE COURT:

The request of Remy, Thomas, Moose & Manley, LLP to publish the opinion filed on July 1, 2009, is denied.

RAYE, Acting P.J.